

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

FREEDOM FROM RELIGION
FOUNDATION, INC.,

Plaintiff,

Case No. 12 CV 0818

v.

JOHN KOSKINEN, Commissioner
Of The Internal Revenue Service,

Defendant,

and

FATHER PATRICK MALONE and
HOLY CROSS ANGLICAN CHURCH,

Defendant-Intervenors.

**PLAINTIFF'S RESPONSE TO AFFIRMATIVE
DEFENSES OF DEFENDANTS-INTERVENORS**

Freedom From Religion Foundation, Inc., responds to the affirmative defenses of Defendants-Intervenors as follows:

1. Denies the first affirmative defense alleging that Plaintiff's requested relief violates rights secured to Intervenors by the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*, and allege affirmatively that the Religious Freedom Restoration Act violates the Establishment Clause of the First Amendment to the United States Constitution.

2. Denies the second affirmative defense alleging that Plaintiff's relief violates rights secured to Intervenors by the Free Exercise Clause of the First Amendment to the United States Constitution.

3. Denies the third affirmative defense alleging that Plaintiff's requested relief violates the rights secured to Intervenor by the Establishment Clause of the First Amendment to the United States Constitution.

4. Denies the fourth affirmative defense alleging the Plaintiff's requested relief violates the rights secured to Intervenor by the Free Speech Clause of the First Amendment to the United States Constitution.

Dated this 14th day of February, 2014.

By:

BOARDMAN & CLARK LLP

/s/ Richard L. Bolton

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I hereby certify that on February 14, 2014, this document was filed electronically in accordance with the ECF procedures of the United States District Court, Western District of Wisconsin, under Rule 5(d)(1), Federal Rules of Civil Procedure. All parties who are represented and have consented to service of electronically filed documents are served upon receipt of the NEF from the electronic filing system.

To the best of my knowledge, there are no parties in this case that require service by means other than electronic service using the Court's NEF. The original document on file with the filing party contains valid original signatures.

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